



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,336	08/30/1999	BRIAN J. ROBERTS	3345-2180	9002

26875 7590 08/25/2004

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/385,336	ROBERTS ET AL.	
	Examiner	Art Unit	
	Clark F. Dexter	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The responses filed on February 25, 2004 and March 19, 2004 have been received.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 42-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traise, pn 5,853,117 (hereafter Traise '117).

Traise '117 discloses an apparatus (e.g., see Fig. 7) with almost every structural limitation of the claimed invention including a strip of "tickets"; and a separator/drive module comprising a rotary separator member (e.g., 8), a first ticket drive device (e.g., 12, 14), a second ticket drive device (e.g., 30, 32), and a controller (e.g., "C"), wherein the controller is of a configuration that is fully capable of performing the recited function set forth in the last paragraph of claims 43 and 46. Traise '117 does not explicitly disclose a housing as claimed including an inlet opening and an outlet opening. However, the Examiner takes Official notice that such housings are old and well known in the art and provide various well known benefits including protecting the operating structure from the environment while permitting work to pass therethrough. Hartman, pn 4,716,799 and Pfeiffer, pn 4,949,606 disclose just some examples of the various known housing configurations. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a housing on the apparatus disclosed by Traise '117 for the well known benefits including those described above.

Further regarding claims 42 and 49, if it is argued that Traise '117 does not explicitly disclose the configuration of the separator member, specifically that it is helical shaped, the Examiner takes Official notice that such blade configurations are old and well known in the art and provide various well known benefits including facilitating a progressive interaction with the workpiece to reduce the stress on the blade and the blade drive structure and thus to provide for a smooth, efficient cutting/separating

operation. Traise '117 provides at least one example of such helical shaped blades.

Therefore, it would have been obvious to one having ordinary skill in the art to make the edge of the rotary breaker bar (e.g., 80) of Traise '117 helical shaped for the well known benefits including those described above.

4. Claims 2, 7, 8, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burr, pn 5,222,624 in view of Bittner et al., pn 5,290,033 and Traise, pn 5,853,117.

Burr '624 discloses an apparatus with almost every structural limitation of the claimed invention including a housing (e.g., 12), a currency acceptor device (e.g., 22), and credit display means (e.g., 30), but lacks (a) a detector means for detecting a winning amount displayed on a ticket, (b) a credit means for increasing the number of credits corresponding to the winning amount, and (c) the specific type of dispensing means including a separator member, wherein the separator member includes at least one dull helical separator member.

Regarding (a) and (b), the Examiner takes Official notice that such detector means and credit means are old and well known in the art as evidenced by Bittner and provide various known benefits including providing a self-operating device that does not require the attention of a salesperson. Therefore, it would have been obvious to one having ordinary skill in the art to provide the claimed detector means and credit means on the apparatus of Burr for the well known benefits including those described above.

Regarding (c), Burr discloses a rotary bursting wheel (e.g., 152) for separating the tickets along the perforation line and thus lacks the specific separator member

Art Unit: 3724

configuration. Traise '117 discloses such a separator member (e.g., see Fig. 7) and teaches that such a configuration achieves higher throughput, improved reliability and longer life for the system. Therefore, it would have been obvious to one having ordinary skill in the art to provide the specific separator member configuration of Traise '117 on the apparatus of Burr for the reasons taught by Traise '117 including those described above.

Regarding claims 2 and 38, if it is argued that Burr does not explicitly disclose the specific type of tickets claimed, the Examiner takes Official notice that such tickets are old and well known in the art for various known benefits including providing a desired game format. Therefore, it would have been obvious to one having ordinary skill in the art to provide such types of tickets in the apparatus of Burr for the well known benefits including that described above.

Response to Arguments

5. Applicant's arguments filed February 25, 2004 have been fully considered but they are not persuasive.

In the second paragraph on page 8 of the response, applicant argues that "neither Traise nor Pfeiffer are analogous references." It is respectfully submitted that Applicant's argument is not understood. First, Traise '117 is being used as the base reference, so there is no requirement known for it to be analogous to the claimed invention. Second, it is respectfully submitted that both Pfeiffer and Hartmann, which are being used as teaching references for their examples of housings with inlet and

Art Unit: 3724

outlet openings, are considered to be analogous to Traise, which is all that is required. Additionally, applicant argues that the web material being dispensed by Traise is not game tickets. The Examiner respectfully submits that the material being dispensed in Traise meets the limitation "strip of tickets" to the extent claimed; that is, it is a strip of material in which individual "tickets" are delineated by lines of weakness. The labels in Traise are disclosed as being delineated by lines of weakness and are fully capable of being used as tickets.

Regarding applicant's argument at the top of page 9 of the response, the Examiner respectfully submits that motivation has been provided to combine the references. Certainly, the motivation that housings are used to protect the structure inside the housing is among the most basic reasons for providing housings and is extremely well known to one having ordinary skill in the art.

In the paragraph bridging pages 9 and 10 of the amendment, applicant argues that Traise is not analogous art. The Examiner respectfully disagrees with applicant's position and submits that Traise discloses a rotary structure for separating a web having delineated lines of weakness. Further, applicant refers to "Col. 5: 19-20" as evidence that the smooth breaker bar is not helical. However, it is respectfully submitted that such evidence could not be found. The specific shape of the breaker bar is not shown or described, but it is believed to be fairly suggested by Traise.

In the third paragraph on page 10 of the response, applicant argues that Burr and Bittner are not properly combinable, particularly since they deal with different types of game tickets. The Examiner respectfully disagrees. It is respectfully submitted that

both are directed to dispensing of game tickets and thus the principle of operation of the prior art (i.e., dispensing game tickets) would not be changed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-1404. The examiner can be reached Monday through Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
August 23, 2004